

MINTZ & GOLD LLP

ATTORNEYS AT LAW

600 THIRD AVENUE
25TH FLOOR
NEW YORK, NEW YORK 10016

TELEPHONE (212) 696-4848

FACSIMILE (212) 696-1231

www.mintzandgold.com

SENIOR COUNSEL

JACK A. HORN
NOREEN E. COSGROVE
MATTHEW S. SEMINARA
TIMOTHY J. QUILL, JR.
JULIA B. MILNE

OF COUNSEL

HONORABLE VITO J. TITONE (*dec.*)
(NY State Court of Appeals 1985-1998)

HARVEY J. HOROWITZ (*dec.*)

HONORABLE HOWARD MILLER
(NY Appellate Div. 1999-2010 [ret.])

AMIT SONDHY*

ERIC M. KUTNER

NEAL M. GOLDMAN

ANDREW P. NAPOLITANO*

*ADMITTED TO PRACTICE ONLY BEFORE ALL
COURTS IN NEW JERSEY AND ALL FEDERAL COURTS
IN NEW YORK CITY

STEVEN W. GOLD
STEVEN G. MINTZ*
ALAN KATZ
JEFFREY D. POLLACK*
ELLIOT G. SAGOR
IRA LEE SORKIN
LON JACOBS
STEVEN A. SAMIDE
SCOTT A. KLEIN
TERENCE W. MCCORMICK
ROBERT B. LACHENAUER
ROGER L. STAVIS
CHARLES A. ROSS**
KEVIN W. GOERING
RICHARD M. BRESLOW
KEVIN M. BROWN
ALEXANDER H. GARDNER
HEATH LORING
PETER GUIRGUIS
ANDREW R. GOTTESMAN
RYAN W. LAWLER*
ADAM K. BRODY
MARIA EVA GARCIA*
GABRIEL ALTMAN
ANDREW E. STECKLER
ALEX J. OTCHY*
CECE M. COLE

*ALSO ADMITTED IN NEW JERSEY

**ALSO ADMITTED IN FLORIDA

July 21, 2020

Via ECF

Hon. Lewis J. Liman
500 Pearl Street, Room 701
New York, NY 10007

Grossman Enterprises LLC v. Hubbard Broadcasting, Inc. et al,
1:20-cv-03023-LJL

Dear Judge Liman:

This firm represents Defendant NYP Holdings, Inc. (“NYP”), publisher of the *New York Post*. I write to make an application on behalf of all of the Defendants in the action for an order adjourning the time for Defendants to respond to the Complaint for two weeks from the current date of July 28, 2020, to August 11, 2020. Plaintiff’s counsel have advised that they will not consent to adjourn Defendants’ time to respond to the Complaint because, although settlement discussions are continuing, from the Plaintiff’s perspective the parties are not close enough to merit an additional extension.¹

¹ As before, I have conferred with the attorneys for Defendants Getty Images, Inc. (“Getty Images”), Hubbard Broadcasting, Inc. (“HBI”), ReelzChannel, LLC (“Reelz”), AMS Pictures, Inc. (“AMS”),

MINTZ & GOLD LLP
ATTORNEYS AT LAW

Hon. Lewis J. Liman
July 21, 2020
Page 2 of 3

Defendants respectfully ask that the Court grant the request, however, because counsel have been engaged in ongoing settlement discussions, which Defendants believe have been productive. The parties have engaged in voluntary disclosure of financial and other confidential information, including through the execution and delivery of a Confidentiality Undertaking and subsequent correspondence. The Confidentiality Undertaking was fully executed and delivered on Wednesday, July 15, 2020, and Plaintiff's counsel delivered confidential information last Thursday, July 16, 2020. Defendants made a second settlement proposal yesterday evening and are awaiting Plaintiff's response, which is due tomorrow.

There were two (2) previous joint requests by letter motion for an extension of the foregoing deadlines that the Court approved and so ordered on June 1, 2020 (ECF Doc. No. 16), and on July 8, 2020 (ECF Doc. No. 18).

We recognize that the Court's July 8 order granting the previous extension recited that no further extensions would be granted. However, we request that the Court exercise its discretion to enlarge the Defendants' answer date further because settlement discussions have been productive thus far—albeit slow, given that there are multiple defendants which have to consider their position vis-à-vis each other and coordinate their response to Plaintiff's counsel. Defendants respectfully submit that the time would be better spent working toward a settlement, rather than lose the momentum by shifting their efforts toward a multi-party defense of the action, including potentially burdening the Court with unnecessary motions under Rule 12, Fed. R. Civ. P.

Defendants' application will not otherwise affect the schedule in this action. The parties are currently due to appear by telephone for an initial pre-trial conference on August 18, 2020, at 12:00 p.m., and the proposed Case Management Plan and Scheduling Order will be jointly submitted seven days before the conference.

Accordingly, Defendants respectfully request that the Court grant the application and so order that the time for all Defendants to answer, move, or file the pre-motion letter

Shutterstock, Inc. ("Shutterstock"), Rex Features Limited ("Rex"), and Zuma Press, Inc. ("Zuma"), who have not yet appeared in the action, but who I can represent are in agreement with the proposed adjournment of the date to respond to the Complaint.

MINTZ & GOLD LLP
ATTORNEYS AT LAW

Hon. Lewis J. Liman
July 21, 2020
Page 3 of 3

described in the Court's April 20 Order and the Court's individual rules of practice is extended until August 11, 2020.

Respectfully submitted,


Steven G. Mintz

Cc: David Leichtman, Esq. (Via ECF)
Counsel for Plaintiff

Heather Wilde, Esq. (Via E-mail)
Counsel for Defendant Getty Images, Inc.

Eleanor M. Lackman, Esq. (Via E-mail)
Counsel for Defendants Shutterstock, Inc. and Rex Features Limited

Katherine Wright Morrone, Esq. (Via E-mail)
J. Douglas Baldrige, Esq. (Via E-mail)
Counsel for Defendants AMS Pictures, Inc., Hubbard Broadcasting, Inc., and ReelzChannel, LLC

Richard P. Liebowitz, Esq. (Via E-mail)
Counsel for Zuma Press, Inc.